

REMARKS

Claims 2 – 8, 10 – 15, and 18 – 20 remain in the application and stand rejected. Claims 15 and 16 are objected to. Claim 16 is canceled and claim 10 is amended to include the recitations of claim 16. Claims 1, 9 and 17 are previously canceled. Claims 1, 4, 5, 10, 15, 18 and 19 are amended herein. New claims 21 – 24 are included herewith. No new matter is added. This Amendment is being filed with a fee for one (1) month extension of time and is directed to an Office Action mailed August 2, 2005. Further, the Commissioner is hereby authorized to charge any additional fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claim 4 is amended to re-insert a semicolon (;) at the end of line 3 that was inadvertently deleted by the previous amendment. No new matter is added.

Claims 15 and 16 are objected to for containing informalities. However, claim 16 is not substantively rejected and so, deemed to encompass patentable subject matter. Responsive thereto, claim 10 is amended herein to include the corrected recitation of claim 16 and so, is claim 16 rewritten to include cure the informality, and in independent form. Substantively identical recitations have been included in amended independent claims 2, 18 and 19 and so, are believed to be allowable. Further, claim 15 has also amended herein, substantially as directed by the Examiner. New claim 24 is supported by claim 10 and objected to claim 16. Reconsideration and withdrawal of the objection to claims 15 and 16 is respectfully requested.

Furthermore, as independent 2, 10, 18 and 19 claims are allowable, all claims depending therefrom are believed to be allowable. Accordingly, new claims 21 – 23, which depend from claims 2, 18 and 19, are also believed to be allowable. No new matter is added.

Claims 18 – 20 are rejected under 35 U.S.C. §101 for not being directed to statutory subject matter. Partially responsive thereto, claims 18 and 19 are amended herein, i.e., to recite that, “said computer program product comprising a computer usable medium having computer

readable program code thereon, said computer readable program code” at lines 2 – 4.

Accordingly claims 18 – 20, as amended, are drawn to patentable subject matter.

Reconsideration and withdrawal of the rejection of claims 18 – 20 under 35 U.S.C. §101 is respectfully requested.

Claims 2 – 8, 10 – 14 and 18 – 20 are rejected under 35 U.S.C. §103 over the combination of newly cited published U.S. Patent Application No. 2005/0030907 to Lou et al. and U.S. Patent No 6,513,129 to Tentij et al. (Lou et al. teaches “*performance management* using a network management system” at page 4 of the Office action; *ergo*, one would “combine the network management system performing *fault management* as taught by Lou with the fault management system of Tentij” at page 5; however, performance management is distinct from fault management.) in combination with U.S. Patent No 6,205,563 to Lewis, alone, or further in combination with published U.S. Patent Application No. 2002/0184575 to Landon. Tentij et al. has a filing date less than one year prior to the present application. Further, the applicants believe that the claims as filed with the Request for Continued Examination are patentable over the references of record, and note that a claim “as a whole” must be found obvious under 35 U.S.C. §103.

Regardless, however, the applicants have amended the claims to include the recitations of canceled, objected to claim 16. For example, no reference of record teaches reportable network faults being “limited to only those hardware failures and software failures included in a reportable fault list” as claim 2 recites. Thus, the applicants believe the amendment to obviate the need for any discussion of the rejection under 35 U.S.C. §103 over any reference of record or any combination thereof. Reconsideration and withdrawal of the rejection of is respectfully requested.

The applicants have considered the other references cited but not relied upon and find them to be no more relevant than the references relied upon for the rejection.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner consider new claims 21 – 24, reconsider and withdraw the objection to claims 15 and 16 (as substantively new claim 24 and claim 10), reconsider and withdraw the rejection of claims 2 – 8, 10 – 15 and 18 – 20 under 35 U.S.C. §§101, and 103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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